Attorney Docket No. RAMTC-003A THE UNITED STATES PATENT AND TRADEMARK OFFICE In re Application of: Laurence M. Sylvester, et al. Art Unit: 1714 Serial No.: 10/735,276 Examiner: TBD Filed: December 12, 2003 For: Improved Rubber Modified Asphalt Cement Compositions and Methods **Transmittal of Information Disclosure Statement** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Dear Sir: 1. The information disclosure statement submitted herewith is being filed within ☒ three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b). 2. The information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but before the mailing date of either: a final action under § 1.113 or (1) (2) a notice of allowance under §1.311, whichever occurs first.

CERTIFICATION OR FEE

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i. a certification (set forth below) in accordance with 37 C.F.R. § 1.97(e). (If for any reason the certificate set forth below should be

unsatisfactory, the Commissioner is provisionally authorized to charge the \$210 fee (37 C.F.R. § 1.17(p)) to Deposit Account No. 50-0878. A duplicate copy of this sheet is enclosed.)

OR

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		ii. the attached fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).			
3.		The information disclosure statement transmitted herewith is being filed <i>after</i> a final action under 37 C.F.R. § 1.113 or a notice of allowance under 37 C.F.R. § 1.311, whichever occurs first, but before, or simultaneously with the payment of the issue fee. In accordance with the requirements of 37 C.F.R. § 1.97(d):			
		i. Set forth below is a certification as specified in 37 C.F.R. § 1.97(e).			
		ii. Applicant submits the fee set forth in 37 C.F.R. § 1.17(p). (\$130.00).			
		CERTIFICATION			
		(Required if 2Ai or 3 above is marked)			
4.	I, the	e person signing below, certify			
		that each item of information contained in the information disclosure statement was cited in the attached communication from a foreign patent office in a counterpart foreign application and that the communication is dated not more that three months prior to the filing of the statement. 37 C.F.R. § 1.97(e)(1). OR			
		that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign			

application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56(c)

more than three months prior to the filing of the statement. 37 C.F.R. §

1.97(e)(2).

5. If it should be determined that for any reason either an insufficient fee or an excessive has been paid, please charge any insufficiency or credit any overpayment necessary to ensure consideration of the information disclosure statement for the above-identified application to Deposit Account No. 50-0878. A duplicate copy of this petition is enclosed.

Respectfully submitted,

Stout, Uxa, Buyan & Mullins, LLP

Date: May 12, 2004

Robert D. Buyan, Reg. No. 32,460

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 12, 2004.

Dated: May 12, 2004

Attorney Docket No: RAMTC-003A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:)	
Laurence M. Sylvester, et al.)	Art Unit: 1714
Serial No.: 10/735,276)	Examiner: To Be Determined
Filed: December 12, 2003)	
For: Improved Rubber Modified Asphalt)	
Cement Compositions and Methods)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R Section 1.56, Applicants wish to call the attention of the Examiner to the references that are listed on the attached PTO forms 1449. No copies of the references are being provided per 37 C.F.R. 1.98(d), since all of the references were cited by or submitted to the Office in parent applications Serial No. 10/164,350 and 10/652,725.

No representation is made that the references disclosed herein legally constitute prior art, or that more relevant references are not available. The disclosed references are printed in the English language and/or accompanied by an Abstract published in the English language.

The disclosed references, when taken alone or in combination, are not believed to disclose nor make obvious the invention as claimed in the subject application.

Dated: May 12, 2004

Robert D. Buyan

Registration No. 32,460

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

4 Venture, Suite 300

Irvine, CA 92618

Sheet 1 of 1

Form PTO-1449			Docket Number (Optional) RAMTC-001A Application Number 10/164,350				
PINFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Applicant Laurence M. Sylvester					
			Filing Date 6/5/03		Group Art Unit 1714		
N 1 2004 2		U. S. PATE	NT DOCUMENTS				
EXAMINER PROPERTY	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	RULING IF APPRO	
	3,891,585	6/24/75	McDonald				
	B1 3,891,585	11/14/89	McDonald				
	3,919,148	11/11/75	Winters et al.				
	4,018,730	4/19/77	McDonald				
	4,069,182	1/17/78	McDonald				
	4,085,078	4/18/78	McDonald		1-11		
	4,430,464	2/7/84	Oliver				
	4,485,201	11/27/84	Davis				
	4,588,634	5/13/86	Pagen et al.				
	4,609,696	9/2/86	Wilkes				
	5,270,361	12/14/93	Doung et al.				
	5,334,641	8/2/94	Rouse				
	5,492,561	2/20/96	Flanigan		**	•	
	5,539,029	7/23/96	Burris				
	5,811,477	9/22/98	Burris et al.				
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		FOREIGN PA	TENT DOCUMENTS	•			
	DOCUMENT NUMBER	DATE	COUNTRY CLASS	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
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	OTHER	I DOCUMENTS (Including	 g Author, Title, Date, Pertinent Pages, E	tc.)			L
EXAMINER			DATE CONSIDERED				

14 5 Sheet 1 of 1 MAY 1 7 2004 Form PTO-1449 Docket Number (Optional) RAMTC-002A Application Number 10/652,725 INFORMATION DISCLOSURE CITATION Applicant Laurence M. Sylvester et al. IN AN APPLICATION Filing Date 8/29/03 Group Art Unit 1714 **U. S. PATENT DOCUMENTS EXAMINER** DOCUMENT NUMBER DATE NAME CLASS RULING DATE IF APPROPRIATE **SUBCLASS** INITIAL 3,919,148 11/11/75 Winters et al. 4,018,730 4/19/77 McDonald 4,085,078 4/18/78 McDonald 4,430,464 2/7/84 Oliver 4,485,201 11/27/84 Davis 4,588,634 5/13/86 Pagen et al. 4,609,696 9/2/86 Wilkes 5,270,361 12/14/93 Doung et al. 5,334,641 8/2/94 Rouse 5,492,561 2/20/96 Flanigan 5,539,029 7/23/96 Burris 5,811,477 9/22/98 Burris et al. 6,156,828 12/5/00 Wickett **FOREIGN PATENT DOCUMENTS** DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS TRANSLATION YES NO OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) **EXAMINER DATE CONSIDERED**

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

		<u> </u>			Sheet 1	of 1		
PINFORMATION DISCLOSURE CITATION			Docket Number (Optional) RAMTC-003A Application Number 10/735,276					
			Applicant Laurence M. Sylvester et al.					
7 7004 2	IN AN APPLICATION (Use several sheets if necessary)		Filing Date 12/12/03		Group Art Unit 1	714		
U. S. PATENT DOCUMENTS								
EXAMINER AND SHAPE	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	RULING IF APPRO	DATE PRIATE	
	5,618,862	Apr. 8, 1997	Germanaud et al.					
	5,756,565	May 26, 1998	Germanaud et al.					
	5,880,185	Mar. 9, 1999	Planche et al.					
	6,117,926	Sep. 12, 2000	Engber et al.					
	6,399,680	Jun. 4, 2002	Engber et al.	ļ				
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		FOREIGN PA	TENT DOCUMENTS					
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLAT	ION	
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EXAMINER		DATE CONSIDERED						
EXAMINER: Initial Include copy of the	if citation considered, whether or not one is form with next communication to the	citation is in conformance	with MPEP § 609; Draw line through cit	ation if not in	conformance and i	not considered	l.	